IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1140 OF 2004.

Chandraprakash Laxman Bubna. .... Appellant.

Versus

Kalu Tukaram Badwale & ors. .... Respondents.

None for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 11th January 2005.

P.C.:

1. None for the Appellant. By the impugned Judgment and Order, the Appeal from Order preferred by the Appellant under Order LXIII Rule 1(r) of the Civil Procedure Code, 1908, has been dismissed. In view of sub-section (2) of section 104 of the said Code, this Appeal from Order is not maintainable. The Appeal from order is therefore dismissed as not maintainable with no order as to costs. Notwithstanding dismissal of the Appeal, it will be open for the Appellant to file appropriate proceedings for challenging the impugned Judgment and Order.

Judge.